

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 15-26 are pending in the application. Support for claims 15-26 may be found generally throughout the specification and in the original claims. In particular, support for new claims 15-26 may be found in the present specification at page 1, lines 10-22; page 2, lines 15-24; and page 6, lines 15-25.

In the outstanding Official Action, claims 2-6 and 11 were rejected under 35 USC 112, second paragraph, for allegedly being indefinite. This rejection is traversed.

As noted above, claims 2-6 and 11 have been canceled. It is believed that new claims 15-26 have been drafted in a manner so as to avoid the rejection.

Claims 2-8 and 11 were rejected under 35 USC 112, first paragraph, for allegedly not satisfying the enablement requirement. Applicants believe the present amendment overcomes this rejection.

The independent claims are directed to a method of inhibiting biological of underwater structures. Accordingly, applicants believe that new claims 15-26 obviate the enablement rejection. Indeed, the claims have been drafted so as to avoid any issues relating to a patient population.

Applicants also understand that the Patent Office construes the term "preventing" as an absolute. Accordingly, the claims have been drafted to recite the term "inhibiting". However, applicants do not disclaim the manner in which the present composition is applied or the type of underwater structure to which the coating composition is applied.

In view of the above, applicants request that the rejection be withdrawn.

Claims 2-8 and 11 were rejected under 35 USC 112, first paragraph, for allegedly not satisfying the written description requirement. This rejection is traversed.

The Examiner's attention is respectfully directed to page 2, wherein the peptide is identified as one member of the family of cyclotides, which consists of 50 members. The specification teaches that the members of this family exhibit a common structure. In particular, cyclotides have a cyclic cysteine knot, an amino acid backbone that is circular, and lack both N- and C- terminals. The cyclotides all contain six cysteine residues involved in three disulfide bridges in a knotted arrangement. The specification goes on to explain that these features in combination with their size provide an excellent stability. Thus, the structure and function of the cyclotides would be recognized by one skilled in the art. The claimed invention is also directed to a method for inhibiting biological fouling of underwater structures. In this regard, any

cyclotides that did not satisfy the requirement (and the Official Action does not identify any cyclotides which do not) are outside the scope of the claim.

Nevertheless, applicants note that independent claim 23 recites particular cyclotides and claim 26 recites that the cyclotide is obtained from Sweet Violet. Thus, at the very least, claims 23 and 26 satisfy the written description requirement.

In view of the disclosure of the present specification and the current claims, it is believed that the cyclotides are sufficiently described so as to identify the characteristics needed to show that the application was in possession of the claimed invention at the time the application was filed. Accordingly, applicants request that the rejection be withdrawn.

Claims 2-8 and 11 were rejected under 35 USC 102(b) as allegedly being anticipated by CRAIK. This rejection is traversed.

As noted in the present specification at page 1, lines 24-28, CRAIK discloses a novel cyclic molecular framework comprising cyclotides. However, these compounds are used to treat a disease condition. There is no discussion of a method of inhibiting the fouling of an underwater structure.

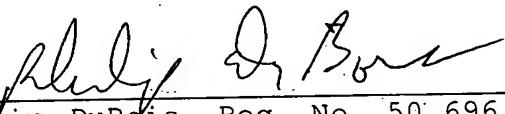
Thus, it is believed that CRAIK fails to anticipate the claimed invention.

In view of the present amendment and foregoing Remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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